

**In the United States District Court
For the Southern District of Georgia
Brunswick Division**

CALVIN SMITH,

*

Plaintiff,

*

CIVIL ACTION NO.: 2:19-cv-57

v.

*

JUDGE A. HARRISON,

*

Defendant.

*

ORDER

This matter is before the Court on Plaintiff's Objections, dkt. no. 4, to the Magistrate Judge's Order dated June 7, 2019. Dkt. No. 3. In his Report, the Magistrate Judge recommended the Court dismiss without prejudice Plaintiff's Complaint because he failed to comply with the Court's May 2, 2019 directive to either pay the \$400.00 filing fee or move to proceed *in forma pauperis*. *Id.* (citing Dkt. No. 2). Plaintiff asserts in his Objections he mailed the Court a motion to proceed *in forma pauperis*. Dkt. No. 4, p. 1. Although the Court has no record of this mailing, the Magistrate Judge, given Plaintiff's representations, provided Plaintiff with another opportunity to comply with the Court's directives. Dkt. No. 7. The Magistrate Judge asked the Clerk of Court to provide Plaintiff with another copy of this Court's preferred prisoner-plaintiff *in forma*

pauperis form and directed Plaintiff to return this form within 14 days of the September 26, 2019 Order. Id. at p. 1. The Magistrate Judge advised Plaintiff "his failure to comply with the Court's directive will result in the dismissal of his Complaint." Id. at pp. 1-2. The Clerk of Court mailed this Order to Plaintiff at his last known address on September 26, 2019.

Plaintiff once again has failed to comply with this Court's directives, as he offered no response to the September 26, 2019 Order. There is nothing before the Court indicating this Order was returned to the Court as undeliverable or as otherwise failing to reach Plaintiff. Thus, the Court **OVERRULES** Plaintiff's Objections.

The Court **ADOPTS** the Magistrate Judge's Report and Recommendation. The Court also **DISMISSES** without prejudice Plaintiff's Complaint for failure to follow this Court's directives, **DIRECTS** the Clerk of Court to **CLOSE** this case and enter the appropriate judgment of dismissal, and **DENIES** Plaintiff *in forma pauperis* status on appeal.

SO ORDERED, this 12 day of November, 2019.

HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA